

REMARKS/ARGUMENTS

Claims 1, 2, 4-22 and 25-32 are pending in this application. By this Amendment, the drawings, specification and claims 1, 4, 15, 17, 21, 25, 26 and 30 are amended. The drawings and specification are amended for clarification purposes only, and in response to the Examiner's comments. Further, claims 4, 15, 21, 25, 26 and 30 are amended to correct informalities only. No new matter is added. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

I. Drawings

The Office Action objects to the drawings under 37 CFR 1.83(a). Applicant maintains the position set forth in the Amendment filed August 18, 2005 that the recitation of claim 6 would be well understood by one of ordinary skill in the art, especially when taken in light of the description provided in the specification and the drawings as shown. However, merely to

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expedite prosecution of the application, Figure 3B, which shows a press plate 130 including a transparent resin plate 132', is added, and the specification amended accordingly. It is respectfully submitted that the subject matter of claim 6 is part of the specification as originally filed, and thus the addition of Fig. 3B and the corresponding amendments to the specification are not new matter. Accordingly, it is respectfully submitted that the drawings meet the requirements of 37 CFR 1.83(a), and thus the objection to the drawings should be withdrawn.

II. Rejection Under 35 U.S.C. §102(b)

The Office Action rejects claims 1-4 and 7-32 under 35 U.S.C. §102(b) over U.S. Patent No. 2,828,178 to Dahlgren. The rejection is respectfully traversed.

Independent claim 1 is directed to a tray for a refrigerator, comprising a plate including a rotary shaft configured to be rotatably coupled to the boss, wherein the rotary shaft includes an elastic member mounted thereto such that a first end of the elastic member is supported at a predetermined position on the inner surface of the door and a second end of the elastic member is supported on a portion of the plate, thereby allowing the plate to elastically move in the direction in which it is brought toward the inner surface of the door. Independent claim 17 recites similar features in varying scope. Independent claim 30 recites a receiving space formed between the plate and the surface, wherein the receiving space is adjustable to have a plurality of capacities between a fully open and a fully closed position of the plate based on a size of an item

to be stored in the receiving space. Dahlgren neither discloses nor suggests at least such features, or the claimed combination(s) of features.

Dahlgren discloses a guard assembly for a refrigerator compartment shelf that rotates with respect to the shelf to facilitate the storage of tall items. A plurality of shelves 2 are mounted within a recess 1 formed in a door of the refrigerator. An indented portion 6 and a pair of clamps 7 work together to firmly hold each shelf 2 in a fixed position within the recess 1 (see column 2, lines 33-39 of Dahlgren). A pair of brackets 13, 14 engage inwardly bent end portions 11 of one of the shelves 2 to rotatably couple a guard 12 to the fixed shelf 2. Helical springs 15 are positioned at each end of the guard 12, with a first end 15a pressing against a front cross bar 4 of the shelf 2 and a second end 15b pressing against the guard 12 to bias the guard 12 to a vertical position. The guard 12 defines an end portion of the receiving space formed by the shelf 2 when the guard 12 is in its vertical position. The guard 12 may be rotated forward to facilitate the placement and removal of tall items from this receiving space.

The guard 12 is simply a flat, rectangular member coupled to the shelf 2 by the brackets 13, 14 which engage the ends 11 of the shelf 2. Dahlgren neither discloses nor suggests that the guard 12 includes a shaft, as does the plate recited in independent claims 1 and 17. Further, Dahlgren clearly discloses that the first end 15a of the spring 15 presses against the shelf 2, and its second end 15b presses against the guard 12. Dahlgren neither discloses nor suggests that either end of the spring 15 is supported at a predetermined position on the inner surface of the

door, as is the elastic member recited in independent claim 1, nor by the mounting surface, as recited in independent claim 17.

Additionally, the receiving space formed by the shelf 2 and the guard 12 is fixed, both in position and in capacity/size, and the guard 12 is merely opened to facilitate placement and removal of tall items from the fixed receiving space. Dahlgren neither discloses nor suggests that the receiving space is adjustable to have a plurality of capacities between a fully open and a fully closed position of the guard, as is the receiving space recited in independent claim 30, let alone that such a plurality of capacities is based on a size of an item to be stored in the receiving space, as recited in independent claim 30.

Accordingly, it is respectfully submitted that independent claims 1, 17 and 30 are not anticipated by Dahlgren, and thus the rejection of claims 1, 17 and 30 under 35 U.S.C. §102(b) over Dahlgren should be withdrawn. Dependent claims 2-4, 7-16, 18-29, 31 and 32 are allowable at least for the reasons set forth above with respect to independent claims 1, 17 and 30, from which they respectively depend, as well as for their added features.

III. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 5 and 6 under 35 U.S.C. §103(a) over Dahlgren. The rejection is respectfully traversed.

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Dependent claims 5 and 6 are allowable over Dahlgren at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features. Accordingly, the rejection of claims 5 and 6 under 35 U.S.C. §103(a) over Dahlgren should be withdrawn.

IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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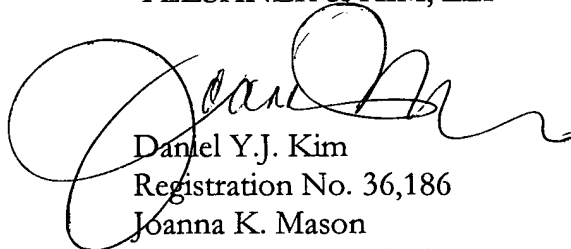
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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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FIG. 2

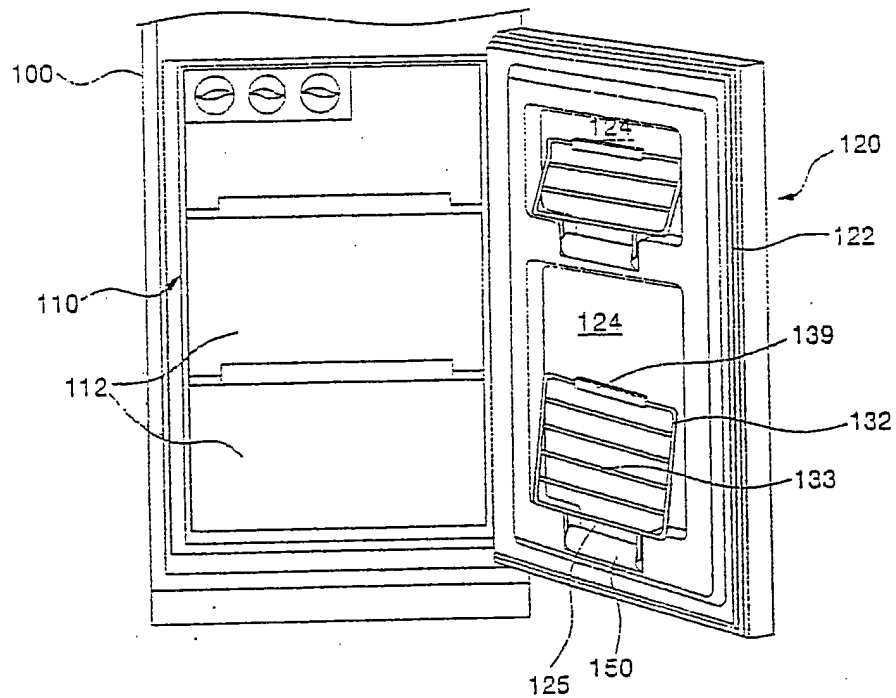


FIG. 3A

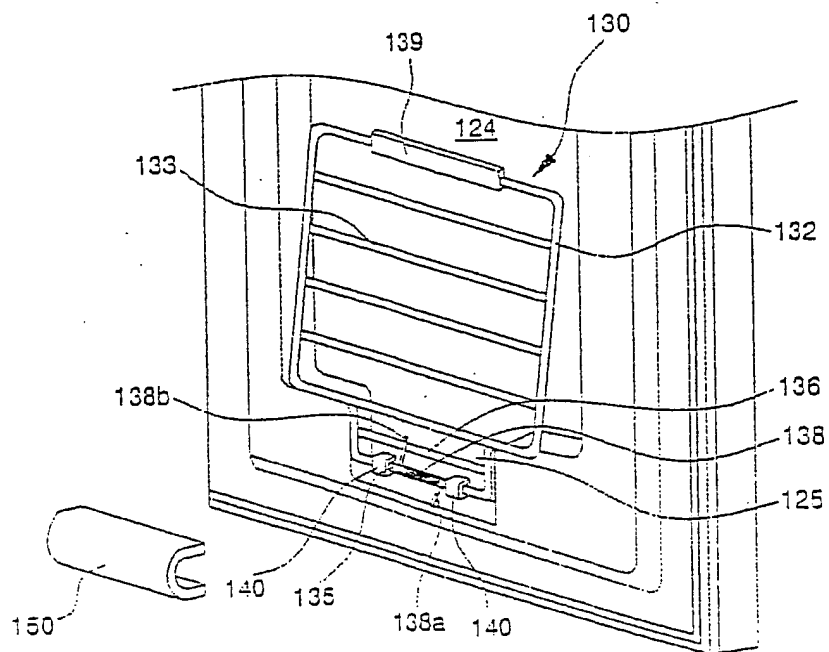




FIG. 3B

